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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,867	01/27/2000	Masanobu Funakoshi	35.C14210	9166

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EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 11/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/491,867

Applicant(s)

FUNAKOSHI, MASANOBU

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 10, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-23 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numata (US. Patent No. 5,943,669) in view of Niwa et al. (US. Patent No. 5,987,460).

Regarding on claim 1, 12 and 23, Numata teaches an information retrieval apparatus comprising:

calculation means for calculating the degree of coincidence between a search condition being input and each information to be retrieve in said database (col. 1, lines 39-54);

determination means for determining, on the results of retrieved respectively for the plural information to be retrieved of a high degree of coincidence, the output feature amount of each result of retrieval according to each degree of coincidence (col. 13, lines 25-32);

Although Numata does not explicitly teaches output means for outputting said results of retrieval with an output mode based on each output feature amount. However, Niwa teaches, "the device for setting the number of topic words to be displayed 2251 of the area for setting parameters 225 is for adjusting the number of words to be displayed on the area for displaying topic words 224. By shifting the button for setting 22511 to left or right, the device 2251 can be set to a desirable numerical figure" (col. 8, lines 45-50). This teaches the mode for displaying the search results. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Niwa into Numata because by utilizing a different output mode to allow the system efficiently output to the user as the search results.

Regarding on claims 2 and 13, Numata teaches database stores language information in respective correspondence with each of said information to be retrieved [col. 5, lines 31-41]; and

said calculation mean is adapted to execute language analysis of said retrieval condition entered by a natural language, thereby calculating a degree of language coincidence between the result of said language analysis and the language information assigned to each information to be retrieved [col. 1, lines 39-54].

Regarding on claims 3 and 14, Numata teaches output feature amount is a size of the output, and said determination means is adapted to determine a larger output size for a result of a higher degree of coincidence (col. 13, lines 25-32).

Regarding on claims 4 and 15, Niwa teaches retrieval result is an image (the word ROM is an image itself), and said output size is a size of the image (the size of the ROM is also increase (224 area for displaying topic-words, fig. 8)).

Regarding on claims 5 and 16, Numata teaches retrieval result is a text, and said output size is a character size of the text (col. 13, lines 25-32).

Regarding on claims 7 and 18, Niwa teaches retrieval result is an image or a text, and said output feature amount is a display position (col. 7, lines 66 and col. 8, lines 1-2), and wherein said determination so as to be closer to a specified position for a retrieval result of a higher degree of coincidence (col. 8, lines 24-44).

Regarding on claims 8 and 19, Niwa teaches a specified position is a center of a display area (col. 8, lines 13-17).

Regarding on claims 9 and 20, Niwa teaches determination means determines a distance from said specified position according to said degree of coincidence and determines the display positions of the retrieval results in positions at said determined distance so as to minimize mutual overlap of the retrieval results [col. 7, lines 60-67 and col. 8, lines 1-44].

Regarding on claims 10 and 21, Niwa teaches determination means determines the output feature amount of each retrieval result, for each of the retrieval result, for each of the retrieval results corresponding to the information to be retrieved of a predetermined number in a descending order of the degree of coincidence (col. 10, lines 62-67 and col. 11, lines 10-13).

Regarding on claims 11 and 22, Niwa teaches determination means determines the output feature amount of each retrieval result for each of the retrieval results corresponding to the information to be retrieved having degrees of coincidence exceeding a predetermined threshold value (col. 8, lines 64-67 and col. 9, lines 1-8).

4. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numata (US. Patent No. 5,943,669) in view of Niwa et al. (US. Patent No. 5,987,460) and further in view of Miike et al. (US. Patent No. US. 5,878,414).

Regarding on claims 6 and 17, Both Numata and Niwa do not teach retrieval result is a audio data, and said output size is a loudness thereof. However, Mike teaches, "...the outputs the matching environment information and the related target data as the retrieval result in the visual oriented output method such as the character or icon display, or the audio oriented output method such as speech and artificial sound output" (col. 57, lines 33-37). The method of outputting the retrieve audio data through the speaker and the magnitude of the output size is determined according to the relevance of the retrieval are known in the art. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Miike into Numata and Niwa because by utilizing the audio oriented output method would allow the user to determine which of the results are the relevance according to the magnitude of the sound.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kuwahara US. Patent No. 6,202,072 March 13, 2001

Inaba et al. US. Patent No. 6,154,737 November 28, 2000

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).



**SANJIV SHAH
PRIMARY EXAMINER**

Baoquoc N. To
November 13, 2002